

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLAIRMONT DONALD,

Plaintiff,

-against-

STACIE BENNETT, et al.,

Defendants.

ORDER OF SERVICE

24-CV-03144 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiff commenced this action, *pro se*, under 42 U.S.C. § 1983 in April 2024. By order dated April 26, 2024, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.¹ (Doc. 5). On February 3, 2025, Plaintiff’s second amended complaint was docketed (Doc. 35), which the Court later deemed the operative complaint. Plaintiff, in his Second Amended Complaint, names, among other parties, Albany Medical Center as a defendant.

Albany Medical Center has yet to be served with process. The Court previously warned Plaintiff that it is his responsibility to request an extension of time for service. (Doc. 7). Although Plaintiff does not make an extension request, the Court, given Plaintiff’s *pro se* status, *sua sponte* extends the time to effectuate service upon Albany Medical Center to 90 days after the date of this Order.

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process

¹ Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

. . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Albany Medical Center through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Albany Medical Center. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Albany Medical Center.

Plaintiff is reminded that if the Second Amended Complaint (Doc. 35) is not served within 90 days after the date the summonses are issued, he must request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is instructed to issue summonses for Albany Medical Center, complete the USM-285 forms with the addresses for this Defendant, and deliver all documents necessary to effect service to the U.S. Marshals Service.

SO ORDERED.

Dated:

White Plains, New York
July 15, 2025



PHILIP M. HALPERN
United States District Judge

DEFENDANT AND SERVICE ADDRESSES

1. Albany Medical Center
43 New Scotland Avenue,
Albany, New York 12208